

# **EXHIBIT 1**

**UNREDACTED VERSION  
OF DOCUMENT SOUGHT  
TO BE SEALED**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

\_\_\_\_\_  
WAYMO LLC, )  
)  
Plaintiff, )  
vs. ) Case No.  
) 17-cv-00939-WHA  
UBER TECHNOLOGIES, INC.; )  
OTTOMOTTO, LLC; OTTO TRUCKING LLC, )  
)  
Defendants. )  
\_\_\_\_\_)

HIGHLY CONFIDENTIAL--OUTSIDE COUNSEL'S EYES ONLY

VIDEOTAPED 30(b)(6) DEPOSITION of WAYMO LLC  
by and through its Designated Representative  
ASLAN (SHAWN) BANANZADEH  
San Francisco, California  
Thursday, August 24, 2017  
Volume I

Reported by:  
MARY J. GOFF  
CSR No. 13427  
Job No. 2688513

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Highly Confidential Videotaped Deposition of  
ASLAN (SHAWN) BANANZADEH, Volume I, taken on behalf  
of Plaintiff Waymo LLC, at Morrison & Foerster LLP,  
425 Market Street, 33rd Floor, San Francisco,  
California, 94105, beginning at 9:54 a.m. and ending  
at 5:53 p.m., on August 24, 2017, before MARY GOFF,  
Certified Shorthand Reporter No. 13427.

1 resistor could specify that this resistor should be 11:36:25  
2 expensed against the cost for the LiDAR sensor or -- 11:36:29  
3 MR. MACK: Objection. 11:36:37  
4 Q (BY MS. CHANG) -- the timing board or 11:36:37  
5 whatever it is that the resistor is intended to be 11:36:38  
6 used for. 11:36:42  
7 MR. MACK: Objection, form. 11:36:43  
8 A So it -- when you say -- it -- Waymo set 11:36:44  
9 up a system in the time that I have been there? I 11:36:50  
10 haven't -- I haven't set up a system to say 11:36:53  
11 specifically: This is the part. 11:36:56  
12 Like, I don't tell someone: Go back and 11:36:57  
13 revise this and tell me the exact part number. 11:37:01  
14 Dating back to, let's just say, 2009, I -- 11:37:03  
15 I don't know the answer whether somebody told 11:37:07  
16 somebody to go give them an individual part number, 11:37:09  
17 et cetera. 11:37:14  
18 Q (BY MS. CHANG) Do you know if, at Waymo, 11:37:14  
19 it's possible to break out each of these GL expenses 11:37:15  
20 to correlate it to the various components of Waymo's 11:37:19  
21 self-driving car? 11:37:22  
22 MR. MACK: Objection, form. 11:37:22  
23 A Like, possible -- again, like, if -- if 11:37:25  
24 you told someone hypothetically to go, like, label 11:37:28  
25 every P&L they put to an individual part number when 11:37:33

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1       they purchased it, theoretically you could do that,                   11:37:36  
2       I guess, right.   11:37:38  
3           Q       (BY MS. CHANG) To understand your                   11:37:39  
4       testimony, you're saying it would be possible for               11:37:40  
5       Waymo to retroactively go back and recategorize the               11:37:42  
6       expenses?   11:37:49  
7           MR. MACK:  Objection, form.                                   11:37:50  
8           A       No.  No.  No, that wasn't my testimony.  I           11:37:51  
9       --   11:37:54  
10          Q       (BY MS. CHANG) I'm just trying to                   11:37:55  
11       understand whether it's possible -- could we go to               11:37:56  
12       Waymo today somewhere and either by looking at the               11:37:58  
13       data sources or other information available at                   11:38:01  
14       Waymo, could we break out each of these GL --                   11:38:04  
15       GL account expenses and map them to various                      11:38:06  
16       components of the self-driving car?                               11:38:11  
17          MR. MACK:  Objection, form.                                   11:38:13  
18          A       I -- I -- I don't know, because I don't               11:38:15  
19       know what everyone did historically every time they               11:38:17  
20       purchased something.   11:38:20  
21          Q       (BY MS. CHANG) To your knowledge, as you               11:38:22  
22       sit here today, it's not possible to break out each               11:38:23  
23       of these GL account expenses to the various                      11:38:26  
24       components of the self-driving car?                               11:38:30  
25          MR. MACK:  Same objection.                                   11:38:33

1           A     So it -- it -- can -- can you just repeat           11:38:34  
2     the question? I -- I got lost.           11:38:39  
3           Q     (BY MS. CHANG) You're the company           11:38:42  
4     representative --           11:38:43  
5           A     Right.           11:38:43  
6           Q     -- on the cost of developing the trade           11:38:43  
7     secrets? I want to know whether it's possible to           11:38:46  
8     break out each of these GL account values and map           11:38:49  
9     them to how much of a particular GL account relates           11:38:54  
10    to a certain component on the self-driving car.           11:39:01  
11                You testified that based on the           11:39:03  
12    information in Exhibit 1400, which has Bates label           11:39:05  
13    WAYMO-UBER-00027045, that it was not possible to           11:39:11  
14    break out each GL account into the components of the           11:39:15  
15    self-driving car.           11:39:20  
16                Is there information available at Waymo           11:39:21  
17    that would allow you to do that?           11:39:23  
18           MR. MACK: Objection, form.           11:39:25  
19           A     So -- so I mean -- I mean, like, there's           11:39:27  
20    the element of, like, did you buy -- because I           11:39:32  
21    want -- I want to -- like, there's kind of different           11:39:34  
22    ways of looking at it.           11:39:36  
23                Did you buy a -- again, like, a resistor           11:39:39  
24    for this? And did it -- what did it cost? Right.           11:39:41  
25    That's -- that's one way of saying: What did it           11:39:43

1 cost to create that? Right. Well, there's that. 11:39:46

2 In contrast, if you said, for example: 11:39:48

3 What is the cost of the system as a whole, like, 11:39:50

4 insofar as it -- like, it all works together, right 11:39:55

5 like, you -- you know, there's different ways of 11:39:58

6 looking at it. 11:40:00

7 So I -- I'm going to go back to saying 11:40:00

8 that -- like: Could you say a particular part costs 11:40:03

9 this? It would be dependent on what it was coded as 11:40:06

10 and put through, right. But not knowing whether 11:40:09

11 that happened, like, I -- I can't answer that, like, 11:40:11

12 sitting here right now. 11:40:15

13 Q (BY MS. CHANG) Are you aware of any way to 11:40:18

14 break out each of these GL accounts to map onto 11:40:20

15 various components of the self-driving car? 11:40:24

16 MR. MACK: Objection, form. 11:40:30


17 A Mapping. 11:40:31

18 Q (BY MS. CHANG) So let's take one example. 11:40:31

19 Let's take the "Equipment and Related EXP" 11:40:33

20 GL account. If you look at 2016, there's a very 11:40:38

21 large number that starts with -- or that reads 11:40:47

22  11:40:53

23 Do you see that number? 11:40:59

24 A Yeah. I8? Cell -- Cell I8? Is that what 11:41:00

25 you're referring to? Right? 11:41:04

1 Q Yes. 11:41:05

2 A Yes. 11:41:05

3 Q Are you aware of a breakdown of this 11:41:16

4 number at Waymo for each of the components that make 11:41:19

5 up the self-driving car? 11:41:25

6 A So there is -- like, if you go back to the 11:41:27

7 "Raw Data" tab, right, you can obviously divide it 11:41:31

8 up by cost center, right? So that's a breakup of 11:41:33

9 that expense already. 11:41:38

10 Then when it comes to -- and that shows 11:41:41

11 you different, like, budget owners' cost center 11:41:43

12 areas. So that's, like, a division that you could 11:41:46

13 have. 11:41:48

14 As far as, like, part numbers, I think, 11:41:50

15 is -- is, like, you're trying to go farther than 11:41:52

16 saying, like, big budget areas. 11:41:55

17 But then part numbers -- in some instances 11:41:56

18 people will code to a part number. And others, they 11:42:00

19 won't. So it -- it's -- again, it's a possibility, 11:42:03

20 but I -- I don't know for a fact that that breakdown 11:42:06

21 exists. 11:42:09

22 Q Are you aware of any information at Waymo 11:42:15

23 that would indicate how much of the "Equipment and 11:42:21

24 Related EXP" GL account relates to the LiDAR in 11:42:26

25 Waymo's self-driving car? 11:42:32



1 MR. MACK: Objection, form. 11:42:33

2 A Like, I don't think I can make that 11:42:37

3 determination. Because, again, like, what you view 11:42:39

4 the LiDAR as is -- in the con -- in the context of 11:42:41

5 the whole of the -- the -- the SDS system is 11:42:43

6 something that I don't think I can technically tell 11:42:48

7 you. So I don't think I can sit here and tell you: 11:42:51

8 This is how I would isolate that cost. 11:42:54

9 Q (BY MS. CHANG) Can -- has Waymo isolated 11:42:57

10 that cost? 11:43:00

11 A Which -- which -- sorry. When you say 11:43:00

12 "that cost," what are you referring to again? 11:43:01

13 Q The LiDAR-related cost portion -- sorry. 11:43:04

14 The LiDAR-related portion of the 11:43:07

15 "Equipment and Related EXP" GL account? 11:43:08

16 MR. MACK: Objection, form. 11:43:12

17 A My understanding is that we have experts 11:43:13

18 who are going to provide the reports and provide, 11:43:16

19 like, a conclusion about a number that relates to 11:43:18

20 that. So at least that's my understanding of what's 11:43:21

21 going on in this litigation. 11:43:24

22 Q (BY MS. CHANG) Does Waymo currently have 11:43:26

23 that information? 11:43:28

24 MR. MACK: Objection, form. 11:43:30

25 A The -- like, to the extent that the -- the 11:43:34

1 expert has, like, said there's this number that 11:43:37  
2 relates to it, I know what that number is. I -- I 11:43:39  
3 have seen it in interrogatory responses, yes. 11:43:42  
4 Q (BY MS. CHANG) But that number is not 11:43:45  
5 indicated in Exhibit 1400? 11:43:47  
6 MR. MACK: Objection, form. 11:43:50  
7 A I don't know if that -- that's true. 11:43:55  
8 Because the -- the number, I think, is -- is 11:43:56  
9 partially derived from the numbers that we provided 11:43:58  
10 of how the program has, like, expensed things over 11:44:01  
11 time so... 11:44:04  
12 Q (BY MS. CHANG) Can you show me where in 11:44:05  
13 Exhibit 1400, the LiDAR portion of any of these 11:44:08  
14 GL accounts is indicated? 11:44:11  
15 MR. MACK: Objection, form. 11:44:14  
16 A Sorry. Again, going back to how the -- 11:44:17  
17 the -- what's it called -- the -- the expert 11:44:21  
18 formulated the conclusion, my understanding is they 11:44:25  
19 used, like, a -- like, the whole is -- like, you 11:44:29  
20 can't -- again, like I said, you can't take this 11:44:34  
21 thing apart and say: This is it and that's 11:44:36  
22 isolated. 11:44:38  
23 So you use the whole development cost of 11:44:38  
24 program that -- if you wanted to ask on those -- an 11:44:41  
25 individual basis, like, I'm familiar with what these 11:44:43

1 numbers are on this and how that was informed. 11:44:46

2 Q But Exhibit 1400 doesn't break out the 11:44:49

3 LiDAR-related expense of "Equipment and Related 11:44:53

4 Expenses" GL account? 11:45:00

5 MR. MACK: Objection, form. 11:45:02

6 A Again, like, I don't think that I know how 11:45:05

7 to tell you what "LiDAR-related" means. Like -- 11:45:07

8 like, to me, that's a technical thing, and I'm not 11:45:10

9 equipped -- I can tell you what these numbers 11:45:13

10 represent. I can tell you, like, how they're 11:45:16

11 formulated, et cetera. 11:45:17

12 But to the extent that you're asking, if I 11:45:17

13 understand you correctly, like: What is the number 11:45:19

14 to create a LiDAR, I think that's, like, a technical 11:45:21

15 question that an expert could opine on. I can tell 11:45:24

16 you about the numbers, right. 11:45:27

17 Q (BY MS. CHANG) I'm not asking you for 11:45:28

18 technical definition. I just want to know if this 11:45:30

19 spreadsheet has a breakout of the LiDAR-related 11:45:33

20 portion of any of these GL accounts. 11:45:35

21 MR. MACK: Objection, form. 11:45:37

22 A I mean, I -- I'm not -- like, I -- I just 11:45:39

23 don't -- like, "LiDAR related," to me, like, I 11:45:41

24 can't -- I can't -- I can't understand what this is. 11:45:43

25 Like, if you could help me -- like -- like 11:45:45

1 I have said, like, this doesn't show a part-by-part 11:45:46  
2 number, right. But if you're asking for the 11:45:49  
3 LiDAR-related cost of, like, developing a LiDAR 11:45:52  
4 system in an SDS system, I think this is a 11:45:54  
5 fundamentally, like, technical question that I -- 11:45:58  
6 I'm not prepared to answer for you, right. 11:45:59

7 Q (BY MS. CHANG) But your testimony is that 11:46:02  
8 each of these accounts relates to the expenses for 11:46:03  
9 the entire self-driving car? 11:46:05

10 A The -- so this -- this -- these accounts 11:46:08  
11 in totality capture the cost of creating a 11:46:10  
12 self-driving system within which the LiDAR is an 11:46:14  
13 integral part. 11:46:19

14 Q You stated that LiDAR is an integral part 11:46:55  
15 of the self-driving system. What other integral 11:46:59  
16 parts are you aware of? 11:47:04

17 A I mean, again, my nontechnical 11:47:07  
18 understanding is that, like, you need to have LiDAR 11:47:10  
19 to do this. Like, that's about as far as my, like, 11:47:12  
20 nontechnical understanding of this goes. 11:47:16

21 Q You're not aware of any other integral 11:47:19  
22 parts of the self-driving system? 11:47:22

23 MR. MACK: Objection, form. 11:47:24

24 A The -- like, I don't pretend to -- to say 11:47:24  
25 that, like, one is better than the other or 11:47:30

1 anything, but I know that the LiDAR is part of the 11:47:32  
2 whole solution. 11:47:35

3 Q (BY MS. CHANG) Are you aware of any other 11:47:36  
4 part of the whole solution for Waymo's self-driving 11:47:39  
5 system? 11:47:43

6 MR. MACK: Objection, form. 11:47:44

7 A I -- I believe -- like, again, my 11:47:45  
8 nontechnical understanding is that there are other 11:47:48  
9 parts to it. But I -- I wasn't prepared here to 11:47:50  
10 talk about what the technical elements of the 11:47:53  
11 self-driving system are. 11:47:56

12 Q (BY MS. CHANG) Are there other integral 11:47:57  
13 parts of the Waymo self-driving system, other than 11:47:57  
14 LiDAR that you're aware of as you sit here today 11:48:00  
15 you? 11:48:04

16 MR. MACK: Objection, form; beyond the 11:48:05  
17 scope. 11:48:05

18 A Like, I don't -- I -- I don't -- like, I 11:48:07  
19 can't say what are other technical -- or sorry. I 11:48:10  
20 -- I don't know what to -- or I don't know what 11:48:14  
21 other integral parts are, no. 11:48:18

22 Q (BY MS. CHANG) But you would characterize 11:48:19  
23 LiDAR as an integral part? 11:48:21

24 MR. MACK: Objection, form; beyond the 11:48:23  
25 scope. 11:48:23

1           A     It -- in a nontechnical way without having           11:48:24  
2     any kind of, like, technical training or           11:48:28  
3     understanding, yes, I just did.           11:48:30  
4           MR. MACK: Esther, I think we have been           11:48:33  
5     going well over an hour, if now is a good time to           11:48:35  
6     break.           11:48:40  
7           MS. CHANG: Yeah.           11:48:40  
8           THE VIDEOGRAPHER: We are off the record           11:48:41  
9     at 11:49 a.m.           11:48:41  
10           (A break was taken from 11:49 a.m. to           11:48:44  
11     12:37 p.m.)           11:48:48  
12           THE VIDEOGRAPHER: Okay. We are back on           12:36:02  
13     the record at 12:37 p.m.           12:36:35  
14           Q     (BY MS. CHANG) I'm handing you what's been           12:36:43  
15     marked as Exhibit 1520. Exhibit 1520 is           12:36:45  
16     "Plaintiff's Amended Fourth Supplemental Objections           12:37:03  
17     and Responses to Uber's First Set of           12:37:07  
18     Interrogatories, Nos. 1 through 11."           12:37:09  
19           Do you recognize this document?           12:37:15  
20           A     Yes, I believe so.           12:37:16  
21           Q     You previously testified that in           12:37:46  
22     preparation to provide testimony in your capacity as           12:37:48  
23     the corporate witness for the cost aspect of           12:37:56  
24     Topic 9, that you had reviewed responses to           12:38:00  
25     interrogatory requests.           12:38:05

1 Are these the responses that you reviewed? 12:38:06

2 A Yes, I believe so. 12:38:08

3 Q If you turn to page 61, you'll see 12:38:20

4 Interrogatory 6 listed here. And it reads, 12:38:28

5 Separately for each alleged Waymo trade secret 12:38:33

6 identified in response to Interrogatory No. 1, 12:38:37

7 describe how long it took and how much it cost to 12:38:40

8 develop. 12:38:43

9 Do you recall reviewing the response to 12:38:47

10 Interrogatory No. 6? 12:38:53

11 A I -- I don't recall reviewing that 12:38:54

12 specific one, no. 12:38:58

13 Q Did you help prepare the response to 12:39:08

14 Interrogatory No. 6? 12:39:12

15 MR. MACK: Objection, form. Again, I'll 12:39:13

16 just caution the witness not to reveal the substance 12:39:19

17 of any attorney/client privileged communications, 12:39:23

18 but you may answer. 12:39:25

19 A So like, to the extent there are, like, 12:39:26

20 dollar values in here and to the extent that those 12:39:30

21 dollar values were derived from, like, this report 12:39:33

22 that we have on the screen right now, then you could 12:39:36

23 perhaps say that, like, I helped prepare this. 12:39:40

24 But I did not, like, directly draft or -- 12:39:43

25 or answer -- answer this in any way, if -- if that 12:39:47

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1	answers your question.	12:39:51
2	Q (BY MS. CHANG) Going back to Exhibit 2090,	12:39:53
3	you were designated as Waymo's corporate	12:40:10
4	representative to testify to the cost of developing	12:40:14
5	each of the alleged Waymo trade secrets selected for	12:40:18
6	trial.	12:40:21
7	Did you review a list of the alleged Waymo	12:40:23
8	trade secrets selected for trial?	12:40:27
9	A So my understanding is -- is that there	12:40:35
10	were many trade secrets at issue in this case. Some	12:40:37
11	of them -- like, I think some of them are no longer	12:40:40
12	part of the case. I don't -- I don't know exactly,	12:40:45
13	to be honest.	12:40:47
14	But I believe there are some at issue, and	12:40:48
15	I -- and I did see those numbers that are still at	12:40:51
16	issue in the case.	12:40:55
17	Q Did you also review the descriptions or	12:40:56
18	the substance of the trade secret numbers? You --	12:40:58
19	you mentioned that you had reviewed the numbers?	12:41:00
20	A Right.	12:41:03
21	Q Did you also review the substance or the	12:41:03
22	description of that trade secret number?	12:41:06
23	A I believe I looked at a document that	12:41:10
24	listed them and had, like, detailed explanations. I	12:41:12
25	didn't -- I didn't read in detail any of them, no,	12:41:16



1       so I... 12:41:18

2           Q       Turning to page 103 of Exhibit 1520, 12:41:37

3       trade -- you'll see that there are a "Trade 12:41:45

4       Secret 2" header. 12:41:55

5           A       Um-hum. 12:41:57

6           Q       And under this section it reads, 12:41:58

7       Information potentially relevant to determining such 12:42:10

8       cost estimates includes information that has been 12:42:15

9       produced at WAYMO-UBER-00027045, 12:42:19

10       WAYMO-UBER-00014506, WAYMO-UBER-00012830, 12:42:20

11       WAYMO-UBER-00014078, and WAYMO-UBER-00014489. 12:42:31

12                   WAYMO-UBER-27045 is Exhibit 1400, and 12:42:42

13       that's the spreadsheet that we have been looking at. 12:42:48

14           A       Okay. 12:42:52

15           Q       I'm going to mark as exhibits, the 12:42:54

16       remaining documents that are cited in this 12:42:58

17       interrogatory response. 12:43:02

18                   Exhibit 1413, which I have just handed 12:43:53

19       you, is the next document, WAYMO-UBER-00014506. So 12:43:56

20       did I give you the wrong -- no, I didn't. Is 12:44:07

21       that -- is that the document that you have? 12:44:10

22           A       Yes. 12:44:13

23           Q       Have you seen this document before? 12:44:17

24           A       Yes. I saw it yesterday. 12:44:19

25           Q       What is your understanding of what this 12:44:22

1 document is? 12:44:24

2 A This is the Term Sheet of the acquisition 12:44:27

3 of 510 Systems. 12:44:31

4 Q Had you seen it before yesterday? 12:44:34

5 A No. 12:44:35

6 Q The next document, WAYMO-UBER-00012830, 12:44:38

7 was previously marked as Exhibit 1414. This 12:44:46

8 document is the "Agreement and Plan of Merger By and 12:45:12

9 Among Google Inc., Plus 490 LLC; 510 Systems LLC; 12:45:16

10 each of the members of 510 Systems LLC; and with 12:45:20

11 respect to Articles VI, VIII, IX, and X only, 12:45:24

12 Anthony Levandowski, as member representative; and 12:45:26

13 U.S. Bank National Association as escrow agent," 12:45:30

14 dated as of July 28, 2011. 12:45:34

15 Do you recognize this document? 12:45:36

16 A Only insofar as I saw it yesterday. 12:45:41

17 Q Had you seen it before yesterday? 12:45:45

18 A No. 12:45:46

19 Q The next document listed in Waymo's 12:45:49

20 response to Interrogatory No. 6 for Trade Secret 2 12:45:54

21 on page 103 of Exhibit 1520 is WAYMO-UBER-00014078. 12:45:59

22 This document was previously marked as Exhibit 1415. 12:46:12

23 Exhibit 1415 is the "Google Inc. Project 12:46:33

24 Chauffeur Bonus Program." 12:46:39

25 Do you recognize this document? 12:46:41

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1 Did you help prepare that 1.1 billion 12:49:24

2 range number for Trade Secret 2? 12:49:28

3 MR. MACK: Objection, form. 12:49:30

4 A So -- so -- so again, insofar as that 12:49:34

5 number is derived from the numbers that you see of, 12:49:37

6 like, the historical spend at Waymo, to the extent 12:49:39

7 it incorporates those numbers, I would say yes. 12:49:44

8 Q (BY MS. CHANG) Do you know how that 12:49:48

9 1.1 billion number was calculated? 12:49:54

10 A So my understanding is that -- and this 12:49:59

11 is, I believe, a -- a formulation based on the 12:50:04

12 expert's calculations. But what -- what it is is a 12:50:08

13 summation -- am I allowed to alter this just so I 12:50:12

14 can read it easier? Can I make it into dollars? 12:50:19

15 No? 12:50:23

16 Q Yes, we -- yes, we can, but I think we 12:50:24

17 would then need to mark it as new exhibit, so -- 12:50:25

18 A Okay. 12:50:28

19 Q -- what we'll do is we'll mark this as 12:50:28

20 Exhibit 2091. 12:50:31

21 A It -- it's okay. I don't -- I won't 12:50:36

22 change it, just to keep it -- sorry. 12:50:37

23 Q Are you sure? 12:50:39

24 A Yeah. Yeah. 12:50:40

25 Q Okay. 12:50:41

1	A	Sorry about that. So my understanding is	12:50:41
2		that because of the nature of the development of the	12:50:48
3		program as a whole, right, what it was is a -- kind	12:50:54
4		of a calculation of historical spend through the end	12:50:57
5		of 2015.	12:51:00

6	So if -- on the screen you can see that	12:51:02
7	essentially I'm -- I'm highlighting all the cells in	12:51:04
8	Row 16, Columns B through H.	12:51:08

9	And in the bottom corner, Excel does a	12:51:12
10	sum. So what that sum is saying is that this is	12:51:15
11	approximately \$1.1 billion.	12:51:17

12	Q For the record, the exact sum that is	12:51:40
13	shown in Exhibit 1400 when you highlight Cells B16	12:51:47
14	to H16, is --	12:51:52

15	A	Do you want me to read it out?	12:52:00
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16 Q -- you can read it out. Or I was going 12:52:02

17 to, but you can. 12:52:04

18	A	Oh, I'm sorry. I'm sorry. Okay.	12:52:05
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19 Q It is 1084495404; is that right? 12:52:07

20 A Yes, that's what the screen shows. 12:52:20

21 Q And that's the number that is the basis 12:52:23

22 for the \$1.1 billion range that's shown as the 12:52:26

23 development cost for Trade Secret 2? 12:52:33

24 MR. MACK: Objection, form. 12:52:37

25           A     That's -- that's my understanding of how           12:52:37

1 it was formulated. 12:52:39

2 Q (BY MS. CHANG) Do you know what Trade 12:52:41

3 Secret 2 is? 12:52:42

4 A Like -- like, in technical detail, no. 12:52:46

5 Q In any level of detail? 12:52:50

6 MR. MACK: Objection, form. 12:52:52

7 A I -- I know that it's at issue in the 12:52:57

8 case, but I don't -- like, I don't know the 12:53:00

9 technical details of it, no. 12:53:02

10 Q (BY MS. CHANG) Do you know anything about 12:53:03

11 Trade Secret 2? 12:53:04

12 A In -- I -- I mean, I didn't ask -- like, 12:53:07

13 no, I didn't ask detailed questions about Trade 12:53:10

14 Secret 2. 12:53:13

15 Q What do you know about Trade Secret 2, 12:53:14

16 other than that it's \$1.1 billion to develop? 12:53:15

17 A That to the extent it is -- take -- how do 12:53:23

18 I say this? 12:53:29

19 That its development was not limited to, 12:53:30

20 a -- like, a discrete point in time. And it -- 12:53:33

21 it -- the formulation of it and the basis for -- 12:53:36

22 thereby the basis of the calculation is that it is 12:53:37

23 the kind of -- from inception to the date of the 12:53:43

24 cutoff of -- whatever informs that cutoff date is 12:53:47

25 how it -- it's informed, right. 12:53:52

1                   So there's a development time. It's not                   12:53:52  
2                   like a discrete thing with, like, a discrete item.                   12:53:54  
3                   It is a totality. And that's why, you know...                   12:53:57  
4                   Q       Other than the number, what do you know                   12:54:03  
5                   about the technology that's captured by Trade                   12:54:08  
6                   Secret 2?                   12:54:11  
7                   MR. MACK: Objection, form.                   12:54:12  
8                   A       So what I know about technology is that it                   12:54:21  
9                   was developed at Waymo. That would be -- and it was                   12:54:23  
10                  technology that was developed in the program as a                   12:54:32  
11                  whole.                   12:54:36  
12                  Q       (BY MS. CHANG) Do you know what aspect of                   12:54:36  
13                  the technology that was developed by Waymo that                   12:54:38  
14                  Trade Secret 2 relates to?                   12:54:42  
15                  MR. MACK: Objection, form.                   12:54:44  
16                  A       Well, I think based off of my                   12:54:45  
17                  understanding of how it was calculated, aspect --                   12:54:47  
18                  aspect is a little -- I guess I would take issue                   12:54:51  
19                  with the word "aspect." Is that -- it -- it's a --                   12:54:55  
20                  it's a trade secret that is kind of comprehensive in                   12:54:58  
21                  the program as a whole.                   12:55:01  
22                  Like -- but again, that's just a -- like,                   12:55:01  
23                  a nontechnical understanding of, like, how this                   12:55:03  
24                  number was calculated. And I'm kind of deriving it                   12:55:06  
25                  based off of that calculation.                   12:55:09



1 Q (BY MS. CHANG) If you turn to page 172 of 12:55:11  
2 Exhibit 1520. 12:55:14  
3 A I'm sorry. What page again? 12:55:16  
4 Q 172. 12:55:19  
5 A Okay. 12:55:20  
6 Q This is Waymo's Response to 12:55:36  
7 Interrogatory No. 6 with respect to Trade Secret 25. 12:55:39  
8 If you look in the middle of the first paragraph, 12:55:43  
9 under that header it reads, Information potentially 12:55:48  
10 relevant to determining such cost estimates includes 12:55:52  
11 information that has been produced at 12:55:55  
12 WAYMO-UBER-00027045, WAYMO-UBER-00014506 12:55:58  
13 WAYMO-UBER-00012830, WAYMO-UBER-00014078, and 12:56:06  
14 WAYMO-UBER-00014489. 12:56:15  
15 I can represent to you that those are the 12:56:20  
16 same five documents that were cited for Trade 12:56:23  
17 Secret 2 that we just looked at. 12:56:26  
18 The next sentence reads, That information 12:56:30  
19 reflects that costs Waymo necessarily incurred for 12:56:34  
20 the development of Trade Secret 25 are in the 12:56:39  
21 1.1 billion range. 12:56:43  
22 What is the basis of the \$1.1 billion 12:57:02  
23 range number cited for Trade Secret 25 in Waymo's 12:57:05  
24 response to Interrogatory No. 6 for Trade Secret 25? 12:57:09  
25 A So I -- again, I think my understanding of 12:57:16



1	how the expert who created that value is that they	12:57:22
2	took the numbers of spend historically since	12:57:26
3	inception through a certain date. And like, same as	12:57:28
4	the previous one is that it goes through on --	12:57:32
5	whichever exhibit number we labeled the screen.	12:57:35

6	Q	1400.	12:57:41
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7	A	Sorry. Yeah, 1400 is, again, from a --	12:57:42
8		2009 through end of year 2015, which represents that	12:57:44
9		approximately 1.1 billion number.	12:57:48

10	Q It's the same calculation that was used	12:57:57
11	for Trade Secret 2 that we previously discussed?	12:58:00

12	A	So -- so when you say "the same	12:58:05
13		calculation," I -- like, again, the -- to the	12:58:07
14		extent, like, an expert created that calculation,	12:58:11
15		I -- I can't tell you how precisely they calculate	12:58:13
16		it, right.	12:58:16

17	But my understanding is that it is a	12:58:17
18	culmination of all of the work that precedes -- took	12:58:19
19	-- took place preceding. And therefore, perhaps in	12:58:23
20	broad strokes it's a similar calculation. I don't	12:58:28
21	want to speak out of turn and say it's, like, the	12:58:30
22	same calculation.	12:58:33

23 Q I just want to make sure that I'm 12:58:34

24 understanding your testimony. You testified that 12:58:36

25 Trade Secret 2, which cited a \$1.1 billion cost, was 12:58:38

1 the sum of Cells B16 to H16 of Exhibit 1400, and 12:58:43  
2 that was for Trade Secret 2? 12:58:52  
3 A Yeah, the -- the last -- yes, correct. 12:58:54  
4 Q And now we're looking at Trade Secret 25, 12:58:56  
5 which also cites a 1.1 cost? 12:58:59  
6 A Um-hum. 12:59:03  
7 Q The calculation for that 1.1 billion 12:59:03  
8 number, is it also the sum of Cells B16 to H16 of 12:59:06  
9 Exhibit 1400? 12:59:12  
10 MR. MACK: Objection, form. 12:59:14  
11 A Yes, those same numbers inform that 12:59:19  
12 number. 12:59:22  
13 Q (BY MS. CHANG) Why is it that only the 12:59:23  
14 costs incurred in 2009 through 2015 are used to 12:59:28  
15 calculate the \$1.1 billion cost estimate for Trade 12:59:34  
16 Secrets 2 and 25? 12:59:41  
17 A Sorry. Why is -- why only those years as 12:59:46  
18 opposed to what other years, I guess? 12:59:48  
19 Q Why wasn't 2016 included? 12:59:52  
20 A Well, my understanding based off of, 12:59:56  
21 again, like, the trade secret being a technical 12:59:58  
22 thing is that this says it took a period of time. 01:00:00  
23 And that secret -- again, not being 01:00:03  
24 technically minded about what a trade secret is 01:00:07  
25 legally defined as or anything else, it's -- it's 01:00:10

1 formulation took that span of time; and therefore, 01:00:14  
2 they're capturing that period of time's expense, 01:00:16  
3 therefore. 01:00:22  
4 Q Your testimony is that the development of 01:00:23  
5 Trade Secret 25 incurred cost only up through 2015? 01:00:27  
6 MR. MACK: Objection, form. 01:00:34  
7 A My -- my testimony is that that is my 01:00:37  
8 understanding of how it was calculated, yes. 01:00:39  
9 Q (BY MS. CHANG) The same answer for Trade 01:00:41  
10 Secret 2? 01:00:45  
11 A Again, like, my under -- my understanding 01:00:48  
12 is, like, that's the method the expert used to 01:00:50  
13 surmise the -- the data -- the costs incurred based 01:00:55  
14 upon historical spend that we -- that I -- that we 01:00:58  
15 provided. 01:01:02  
16 Q Do you know what the technology, that 01:01:08  
17 Trade Secret 25 relates to, is? 01:01:11  
18 MR. MACK: Objection, form. 01:01:16  
19 A I don't know the specific technology or 01:01:20  
20 technological elements that it informs. My 01:01:23  
21 understanding is it's -- it's technology that is -- 01:01:27  
22 was developed within Waymo Chauffeur -- 01:01:30  
23 Q (BY MS. CHANG) Is that -- 01:01:33  
24 A -- but that would be the extent of it. 01:01:34  
25 Q You don't know any more details regarding 01:01:35

1 Trade Secret 25? 01:01:38

2 A No, I don't have any more details. 01:01:40

3 Q You testified that Trade Secret 2 incurred 01:01:44

4 a \$1.1 billion cost for development. You also 01:01:47

5 testified that Trade Secret 25 incurred the same 01:01:52

6 \$1.1 billion cost for development. 01:01:57

7 Is there any chance that costs of 01:02:20

8 development is being double counted between Trade 01:02:23

9 Secret 2 and Trade Secret 25? 01:02:26

10 MR. MACK: Objection, form. 01:02:29

11 A So one thing in -- in answering your 01:02:30

12 question, I think you said that my testimony was 01:02:33

13 that it costs 1.1 billion to formulate those two 01:02:36

14 trade secrets. 01:02:40

15 So I just want to say first that, like, 01:02:40

16 that's -- that's not my testimony. What -- what I'm 01:02:41

17 saying is that insofar is that an expert calculated 01:02:43

18 this, it's -- I'm showing the -- my testimony is 01:02:46

19 that in the years 2009 through 2015, those were the 01:02:49

20 expenses incurred. 01:02:54

21 With respect to your -- the -- the core of 01:02:56

22 the question or, like, the latter part of what you 01:02:59

23 just said of: Is there a double count, I don't 01:03:01

24 think I am technically minded enough to say whether 01:03:05

25 that is true or not. 01:03:10

1 Q (BY MS. CHANG) Do you understand that you 01:03:11  
2 were designated corporate witness, so you're 01:03:13  
3 supposed to do testify on behalf of the company 01:03:16  
4 regarding the cost of each of the alleged trade 01:03:19  
5 secrets? Are you not prepared to testify as to that 01:03:21  
6 today? 01:03:25  
7 A So -- so I'm -- I'm prepared to testify. 01:03:26  
8 And -- and I have been trying to testify about the 01:03:29  
9 numbers and the costs incurred by this program. 01:03:32  
10 I am not technically minded to say that a 01:03:37  
11 trade secret involved this cost versus that cost. I 01:03:39  
12 think that's a more expert-based formulation. 01:03:44  
13 And I'm not prepared or capable of -- of 01:03:49  
14 creating -- like, I'm not an expert, right. Like, 01:03:52  
15 my understanding is you -- you have expert reports 01:03:54  
16 on these kinds of things, and there will be a whole, 01:03:56  
17 you know, rigmarole around that. 01:03:58  
18 But I am prepared to tell you about what 01:04:01  
19 are the costs and what we have been discussing about 01:04:01  
20 what the expenses that we're showing in these 01:04:04  
21 various years. 01:04:07  
22 Q If I understand your testimony correctly, 01:04:08  
23 you're prepared to testify about the costs incurred 01:04:10  
24 by Waymo's self-driving car program, but you are not 01:04:12  
25 prepared to testify about the costs of each 01:04:19

1 individual trade secret; is that right? 01:04:22

2 MR. MACK: Objection to form. 01:04:23

3 A So again, insofar as that -- in this 01:04:26

4 interrogatory response there is a response that says 01:04:30

5 the trade secret costs \$1.1 billion. I can tell you 01:04:31

6 what numbers inform that. 01:04:36

7 So -- so yes, there's an -- there's an 01:04:37

8 expert conclusion about this, and I can help show 01:04:39

9 you -- like, to the two preceding questions you 01:04:42

10 asked, I showed you how that 1.1 billion was 01:04:45

11 informed. So that extent, I am providing my 01:04:48

12 testimony and the -- the basis for that \$1.1 billion 01:04:51

13 calculation. 01:04:54

14 Q (BY MS. CHANG) You know how the number was 01:04:54

15 calculated, but you're not offering any testimony as 01:04:56

16 to how that number relates to each of the trade 01:04:59

17 secrets? 01:05:02

18 MR. MACK: Objection, form. 01:05:02

19 A I don't -- I don't understand what you 01:05:05

20 mean by "how it relates to each of the trade 01:05:06

21 secrets." 01:05:09

22 Q (BY MS. CHANG) You're not providing any 01:05:09

23 testimony that -- for example, where it says, Trade 01:05:11

24 Secret 2 costs \$1.1 billion, you're not offering 01:05:14

25 that Trade Secret 2 actually costs \$1.1 billion; 01:05:17



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1 trade secret. 01:06:46

2 Q (BY MS. CHANG) You are testifying that -- 01:06:48

3 it is your testimony under oath that Trade Secret 2 01:06:49

4 costs \$1.1 billion? 01:06:54

5 MR. MACK: Objection, form. 01:06:57

6 A Again, to -- to the extent the expert 01:06:58

7 formulated that and -- and the basis is that all of 01:07:01

8 the work took -- took -- it's all of the preceding 01:07:03

9 work up until that time and that our -- the -- 01:07:06

10 the program's historical spend is that, then -- then 01:07:09

11 yes, consistent with that, \$1.1 billion is a correct 01:07:12

12 number. 01:07:16

13 Q (BY MS. CHANG) But you don't know what 01:07:16

14 Trade Secret 2 actually is? 01:07:17

15 MR. MACK: Objection, form. 01:07:19

16 A The -- the discrete technical elements of 01:07:21

17 it, no. 01:07:23

18 Q (BY MS. CHANG) And you don't know what 01:07:25

19 Trade Secret 25 is? 01:07:27

20 MR. MACK: Same objection. 01:07:28

21 A Again, the -- the discrete technical 01:07:29

22 elements of it, no. I -- like, to the extent it was 01:07:32

23 formulated over time and it is -- it is a product of 01:07:34

24 work since the inception of a program, that's -- 01:07:37

25 that's what I understand. 01:07:39



1 Q (BY MS. CHANG) Do you know if there was 01:07:46  
2 any chance of double counting between the technology 01:07:47  
3 that is claimed in Trade Secret 2 and the technology 01:07:50  
4 that is claimed in Trade Secret 25? 01:07:54  
5 MR. MACK: Objection to form. 01:07:57  
6 A I -- like, what -- what would you consider 01:08:01  
7 double counting? 01:08:06  
8 Q (BY MS. CHANG) Claiming the claim cost 01:08:13  
9 twice. 01:08:15  
10 A Between -- between -- so -- so saying the 01:08:16  
11 costs of developing one trade secret versus the 01:08:19  
12 other are duplicative? 01:08:21  
13 Q Yes. 01:08:26  
14 A Without -- without understanding the 01:08:27  
15 technical elements of -- of the trade secrets, 01:08:29  
16 which -- which I admittedly don't understand the 01:08:30  
17 technical elements, I -- I don't know that I can 01:08:34  
18 answer that. 01:08:35  
19 Q How are you able to testify that Trade 01:08:36  
20 Secret 25 costs 1.1 billion if you don't understand 01:08:38  
21 the technical details that are claimed by Trade 01:08:42  
22 Secret 25? 01:08:45  
23 MR. MACK: Objection, form. 01:08:46  
24 A Again, because -- my understanding is -- 01:08:49  
25 is that the trade secret was formulated since the 01:08:50

1 inception of the program. And it is the totality of 01:08:55  
2 the technology as whole that -- that allows the 01:08:57  
3 system to work. And therefore, all of the expenses 01:09:01  
4 that come through that year that we ended on is why 01:09:03  
5 that number is right. 01:09:06

6 So it's -- it's the -- the fact that a 01:09:07  
7 given trade secret is a part of this entire 01:09:12  
8 solution; and therefore, we took the expense of the 01:09:15  
9 entire program and took them over a period of time 01:09:17  
10 to what is determined as the date where it's, like, 01:09:19  
11 formulated or -- not -- like, I don't know how to 01:09:23  
12 describe it in whatever might be the applicable 01:09:25  
13 term. 01:09:28

14 But that period of time you then take that 01:09:28  
15 whole expense of the whole exclusion and say you 01:09:30  
16 have now -- it's come to fruition, so to speak or 01:09:33  
17 whatever, and that's how you will come up with the 01:09:34  
18 \$1.1 billion. 01:09:37

19 Q (BY MS. CHANG) Your testimony is that 01:09:38  
20 Trade Secret 2 costs \$1.1 billion to develop; is 01:09:40  
21 that right? 01:09:44

22 MR. MACK: Objection, form. 01:09:44

23 A My testimony is that to the extent that 01:09:47  
24 the -- the expert has surmised that this is, like, a 01:09:49  
25 full-on, like, evolution and it -- all of the steps 01:09:53

1 preceding takes time to create the solution. You 01:09:59  
2 take all of that spend, and it's 1.1 billion of 01:10:03  
3 spend that occurred during that time. And 01:10:05  
4 therefore, that's the way you come up to the 01:10:06  
5 \$1.1 billion range identified in the interrogatory. 01:10:09  
6 Q (BY MS. CHANG) It's your testimony that 01:10:12  
7 Trade Secret 25 costs \$1.1 billion to develop; is 01:10:14  
8 that right? 01:10:17  
9 MR. MACK: Same objection. 01:10:18  
10 A I -- I would answer that in the same way I 01:10:19  
11 did the preceding question. 01:10:22  
12 Q (BY MS. CHANG) What is your answer to the 01:10:23  
13 question: What was the cost of developing Trade 01:10:24  
14 Secret 2 and Trade Secret 25? 01:10:27  
15 MR. MACK: Objection, form. 01:10:32  
16 A So it -- to -- to -- what was the cost of 01:10:33  
17 developing the trade secret? 01:10:38  
18 Q (BY MS. CHANG) To clarify, the question 01:10:41  
19 is: What was the cost of developing Trade Secret 2 01:10:42  
20 and Trade Secret 25? So I want to know the combined 01:10:46  
21 cost of developing those two trade secrets. 01:10:51  
22 A I -- I don't know that I could answer 01:10:54  
23 that, because I don't have, again, the technical 01:10:55  
24 element of what the trade secret is. 01:10:57  
25 I think that's -- that's something that I 01:10:58

1 don't know. But to the extent that -- like, if an 01:11:02  
2 expert were to help -- like, tell me how you capture 01:11:05  
3 those things, and we said: Well, is there, like, 01:11:09  
4 this time element, for example, or something of that 01:11:12  
5 sort, then I could look at that amount of time or 01:11:15  
6 however and then come up with a number. Kind of 01:11:17  
7 like what I have been describing in the preceding 01:11:19  
8 answers. 01:11:22

9 Q You testified that Trade Secret 2 used the 01:11:22  
10 same calculation as Trade Secret 25? 01:11:24

11 MR. MACK: Objection, form. 01:11:30

12 A Like -- so I -- I don't think I used the 01:11:31  
13 word "calculation." But again, I think that we said 01:11:34  
14 that in a similar manner, like, you took the whole 01:11:37  
15 program's spend from inception to the time where 01:11:41  
16 that trade secret was -- is determined to have, 01:11:44  
17 like, come to fruition or whatever. 01:11:45

18 And you take all of that spend, because 01:11:48  
19 these trade secrets are part of an integrated 01:11:51  
20 whole -- like, it's a whole solution, right. And 01:11:54  
21 that's my understanding of how that determination 01:11:56  
22 was made. 01:11:57

23 Q (BY MS. CHANG) But isn't the calculation 01:11:59  
24 of Trade Secret 2 based on that analysis, the same 01:12:02  
25 way that you're calculating the cost for Trade 01:12:06

1 Secret 25? 01:12:08

2 MR. MACK: Objection, form. 01:12:11

3 Q (BY MS. CHANG) You seem to be implying 01:12:12

4 that the calculation is not the same, so I'm just 01:12:13

5 trying to figure out exactly what your testimony is 01:12:16

6 with respect to the calculations. 01:12:20

7 A Sure. And -- and -- again, like -- like I 01:12:21

8 said earlier -- I think a bit earlier is that -- 01:12:24

9 like, the precise calculation of what informs and 01:12:25

10 costs of the trade secret, I think it requires 01:12:29

11 certain technical elements. 01:12:31

12 But to the extent that it was a 01:12:32

13 time-based, like, evolution of the entire 01:12:35

14 technological solution, to the extent that is what I 01:12:39

15 understand of it, then perhaps it -- then in that 01:12:42

16 vein, yes. But again, I'm not the -- the -- the 01:12:47

17 expert who calculated that number, per se. 01:12:49

18 Q Okay. Stepping back, you keep on 01:12:53

19 mentioning an "expert." Is there a particular 01:12:54

20 expert you're referring to? 01:12:56

21 A I'm assuming who -- whichever expert 01:12:58

22 that -- it says "will be the subject of expert 01:13:01

23 testimony" here in the interrogatory. 01:13:05

24 Q That's true. I believe Waymo's experts 01:13:07

25 will be using this interrogatory response. But 01:13:10

1	these are interrogatory responses from Waymo --	01:13:13
2	A Um-hum.	01:13:17
3	Q -- so an expert did not draft -- I can	01:13:17
4	represent to you that an expert did not draft these	01:13:21
5	responses.	01:13:25
6	A Okay.	01:13:25
7	Q Waymo -- your counsel can correct me if	01:13:25
8	I'm wrong. I just wanted to know whether you had a	01:13:27
9	particular expert in mind when you keep on	01:13:32
10	mentioning this expert.	01:13:34
11	A I -- I don't have a name in mind, no.	01:13:36
12	Q Moving on to Trade Secret 90, which is	01:13:48
13	another one of the trade secrets that are still at	01:13:51
14	issue in this case, if you could turn to page 126 of	01:13:54
15	Exhibit 1520.	01:13:58
16	The response to Interrogatory No. 6 for	01:14:08
17	Trade Secret 90 starts on exhibit starts on page 126	01:14:20
18	and continues on to page 127.	01:14:23
19	If you look at the middle of the first	01:14:27
20	paragraph to the response regarding Trade Secret 90,	01:14:30
21	it states, Information potentially relevant to	01:14:37
22	determining such cost estimate has been produced at	01:14:42
23	WAYMO-UBER-00027045, WAYMO-UBER-00014506	01:14:46
24	WAYMO-UBER-00012830, WAYMO-UBER-00014078, and	01:14:57
25	WAYMO-UBER-00014489.	01:15:06

1 I can represent to you that those are the 01:15:09  
2 same five documents that were cited for Trade 01:15:12  
3 Secret 2 and Trade Secret 25 that we just looked at. 01:15:15

4 The next sentence reads, That information 01:15:18  
5 reflects that costs Waymo necessarily incurred for 01:15:23  
6 the development of Trade Secret 90 are in the 01:15:27  
7 1.1 billion range. 01:15:31

8 What was the basis for calculating that 01:15:33  
9 \$1.1 billion cost estimate? 01:15:36

10 A So again, my understanding is that it is a 01:15:41  
11 cost that captures the entire program spend from 01:15:43  
12 inception to the period of time where it stops -- I 01:15:47  
13 think it's 2015, 2016, that 1.08 that you round up 01:15:54  
14 to 1.1 billion. 01:15:59

15 It is informed by those same sets of 01:16:00  
16 numbers for the totality of the program spend for 01:16:04  
17 that period of time. 01:16:05

18 Q The calculation that was the basis of the 01:16:06  
19 \$1.1 billion cost estimate for Trade Secret 90 is 01:16:09  
20 the same calculation that was done for Trade 01:16:13  
21 Secret 2 and Trade Secret 25? 01:16:16

22 MR. MACK: Objection, form. 01:16:18

23 A Again, my understanding being that it 01:16:23  
24 covers the -- the time period for the formulation of 01:16:24  
25 that trade secret, without knowing the technical 01:16:27



1 elements of it, is -- is a time period that spans 01:16:29  
2 the program's total spend of \$1.1 billion. 01:16:32  
3 Q (BY MS. CHANG) And that calculation is the 01:16:36  
4 sum of Cells B16 to H16 in Exhibit 1400? 01:16:40  
5 A I'll -- I'll accept that. I don't see it 01:16:50  
6 on the screen, but I believe so. It's -- it's the 01:16:52  
7 cells that I had highlighted earlier. 01:16:53  
8 Q And that's the same 1.08 -- 01:16:58  
9 A Correct. 01:17:02  
10 Q -- billion number that we have been 01:17:02  
11 looking at? 01:17:05  
12 A Correct. 01:17:05  
13 Q Do you know what -- the technical aspects 01:17:10  
14 that is claimed by Trade Secret 90? 01:17:20  
15 MR. MACK: Objection, form. 01:17:24  
16 A I'm not familiar with the -- the precise 01:17:25  
17 individual technical aspects of -- or sorry. Let me 01:17:29  
18 rephrase. 01:17:31  
19 I'm not -- I'm not familiar with the -- 01:17:31  
20 the technical aspects of the individual trade 01:17:33  
21 secret. My understanding is that insofar as it is 01:17:38  
22 part of the entirety of this self-driving system. 01:17:42  
23 Therefore, all of the costs of the program since 01:17:45  
24 inception to the time are what then informs that 01:17:48  
25 \$1.1 billion number. 01:17:52



1 Q (BY MS. CHANG) If I understand your 01:17:54  
2 testimony correctly, the costs of the program from 01:17:56  
3 inception to 2015 forms the basis for the 01:18:05  
4 development cost for Trade Secret 2, Trade 01:18:12  
5 Secret 25, and Trade Secret 90; is that correct? 01:18:15  
6 MR. MACK: Objection, form. 01:18:20  
7 A Can I get the question read back? 01:18:24  
8 Q (BY MS. CHANG) If I understand your 01:18:28  
9 testimony correctly, the costs of the self-driving 01:18:29  
10 car program from inception to 2015 forms the basis 01:18:32  
11 for the development cost for Trade Secret 2, Trade 01:18:36  
12 Secret 25, and -- and now Trade Secret 90? 01:18:39  
13 MR. MACK: Same objection. 01:18:45  
14 A I -- I believe so, yes, if I understand 01:18:48  
15 your question. 01:18:52  
16 Q (BY MS. CHANG) Is there a part of the 01:18:54  
17 question that you don't understand? 01:18:55  
18 A So -- sorry. Can -- can you read it back 01:18:57  
19 one more time? I apologize. 01:19:01  
20 Q Your testimony is that the costs of the 01:19:03  
21 self-driving car program from inception to 2015 01:19:08  
22 forms the basis for the development costs of Trade 01:19:12  
23 Secret 2, Trade Secret 25, and now Trade Secret 90? 01:19:16  
24 A My understanding is that -- that since 01:19:23  
25 inception through the year that you just identified 01:19:25

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1 informs the \$1.1 billion number that was placed into 01:19:27  
2 this interrogatory. 01:19:31  
3 Q For each of those three trade secrets that 01:19:32  
4 we have discussed so far? 01:19:34  
5 A Correct. That period of spend is what 01:19:36  
6 informed that number. And if I may add. The one 01:19:38  
7 thing, like -- and we had reviewed this a little bit 01:19:41  
8 earlier in the deposition. Is that -- to the extent 01:19:43  
9 that there are historical expenses not captured, 01:19:45  
10 that number is potentially higher. 01:19:47  
11 But because of the way the Alphabet 01:19:50  
12 structure was run historically, et cetera, 01:19:52  
13 et cetera, that number is -- is reported lower in 01:19:54  
14 the Exhibit 1400, I think, is the one that -- that's 01:20:00  
15 the spreadsheet so... 01:20:04  
16 Q To clarify, you're saying that the 01:20:12  
17 number -- the 1.08 billion number that's shown in 01:20:14  
18 Exhibit 1400 is actually lower than the actual spend 01:20:20  
19 of the program from inception to 2015? 01:20:23  
20 A Correct. Correct. As I mentioned 01:20:25  
21 earlier, there are -- there are equity that's 01:20:26  
22 missing from this, as well as, like, the 01:20:28  
23 intracompany expenses of the allocated expensive. 01:20:30  
24 Because, again, alphabetization, which is that 01:20:33  
25 spinout, was something that happened later. 01:20:36

1 Q What is the cost of developing Trade 01:20:40  
2 Secret 2, Trade Secret 25, and Trade Secret 90? 01:20:42  
3 MR. MACK: Objection, form. 01:20:46  
4 A So to the extent that the expert has 01:20:48  
5 surmised that development of that trade secret is 01:20:55  
6 something that is kind of program inception to the 01:20:58  
7 date that, again, this comes to, like, fruition or 01:21:02  
8 whatever you want to call it, it -- it is that 01:21:04  
9 1 point -- it is the spend for the entirety of the 01:21:08  
10 program from that inception to the date that that's 01:21:11  
11 cut off at, which is 2015 or '16, based on the 01:21:14  
12 spreadsheet. 01:21:19  
13 Q (BY MS. CHANG) Given that the entirety of 01:21:19  
14 the program cost from inception to 2015 is about 01:21:21  
15 \$1.1 billion, would it be fair to say that the costs 01:21:28  
16 of developing Trade Secret 2 is the same as the cost 01:21:31  
17 of developing Trade Secrets 2, 25, and 90 together? 01:21:35  
18 MR. MACK: Objection, form. 01:21:40  
19 A You're asking: Is -- is the cost of 01:21:43  
20 developing -- is the cost of developing one, the 01:21:45  
21 same as the cost of developing all of them? 01:21:49  
22 Q (BY MS. CHANG) All three of them that we 01:21:53  
23 just discussed. 01:21:54  
24 A I -- like, I don't know that I understand? 01:21:56  
25 Like, is the cost the same? I mean, I guess my 01:22:08

1 answer would be that -- that they're all 01:22:20  
2 wholly-integrated solutions in the system. And 01:22:24  
3 like, this is (inaudible), like, a self-driving 01:22:26  
4 system, so -- 01:22:26  
5 THE COURT REPORTER: What is that? This 01:22:34  
6 is? 01:22:34  
7 A Sorry? 01:22:35  
8 THE COURT REPORTER: They're 01:22:35  
9 wholly-integrated solutions in the system. And 01:22:35  
10 like? 01:22:35  
11 A They're all wholly-integrated solutions in 01:22:35  
12 the same system is what I meant to say. That -- 01:22:38  
13 sorry. I lost my train of thought. 01:22:48  
14 Q (BY MS. CHANG) You're the corporate -- 01:22:52  
15 A Yeah. 01:22:55  
16 Q -- representative on the cost of each of 01:22:55  
17 the trade secrets? 01:22:56  
18 A Right. 01:22:58  
19 Q And I'm just trying to figure out how this 01:22:58  
20 cost calculation works. You're testifying that 01:23:01  
21 Trade Secret 2 costs \$1.1 billion, which is the 01:23:05  
22 entire program cost from inception to 2015. 01:23:09  
23 You're testifying that Trade Secret 25 01:23:13  
24 costs \$1.1 billion, which is also the cost of the 01:23:16  
25 entire program from inception to 2015. 01:23:23

1 And you're also claiming that Trade 01:23:25  
2 Secret 90 costs \$1.1 billion, which is the cost of 01:23:27  
3 the entire program from inception to 2015. 01:23:34  
4 Because you're claiming the entire program 01:23:39  
5 cost for each of these trade secrets, I want to 01:23:42  
6 understand that if it's your testimony that the cost 01:23:47  
7 of developing all three trade secrets is also the 01:23:50  
8 entire cost of the program from inception to 2015. 01:23:53  
9 MR. MACK: Objection, form; beyond the 01:23:58  
10 scope. 01:23:59  
11 A I -- I don't know that I know how to 01:24:01  
12 answer that. Because, again, like, given they all 01:24:04  
13 have an interplay and -- and are all required, I -- 01:24:07  
14 I don't think I -- I -- I have the technical 01:24:11  
15 know-how to -- to -- to answer, like, if you 01:24:13  
16 developed one wholly independently versus all of the 01:24:16  
17 others, what would the costs be. 01:24:19  
18 Q (BY MS. CHANG) That's not my question. 01:24:23  
19 A I'm sorry. All right. I'm just having a 01:24:26  
20 hard understanding -- 01:24:28  
21 Q Yeah. 01:24:29  
22 A -- to be honest. 01:24:29  
23 Q Well -- so maybe -- I think there are two 01:24:30  
24 potential answers to this question, and there could 01:24:36  
25 also be an alternate answer. One potential answer 01:24:38



1 is because I'm already claiming the entire cost of 01:24:44  
2 the program for -- for one of the trade secrets, 01:24:48  
3 there's not more that I could claim for developing 01:24:50  
4 all three. 01:24:53

5 Or you could say because I'm claiming 01:24:53  
6 \$1.1 billion for one trade secret, \$1.1 billion for 01:24:58  
7 another trade secret, and \$1.1 billion for a third 01:25:02  
8 trade secret, that the cost of developing all three 01:25:07  
9 of those would be 3.3 billion, even though that 01:25:09  
10 exceeds the costs of the entire program. 01:25:12

11 I just want to know what your testimony 01:25:17  
12 is. I -- if I wanted to figure out what is the cost 01:25:18  
13 of developing three of these trade secrets that are 01:25:22  
14 still at issue in this case, is it just -- 01:25:25

15 A Can -- I'm sorry. I'm sorry. Like, I 01:25:28  
16 want -- I want -- I want to make sure I understand. 01:25:29  
17 Could I -- could I restate it back to you so that, 01:25:30  
18 like -- like, you're essentially posing a 01:25:33  
19 hypothetical of: If you developed only one of these 01:25:36  
20 trade secrets, how much would it cost versus if you 01:25:38  
21 developed all three at the same time? 01:25:41

22 Q It's not a hypothetical, because Waymo has 01:25:42  
23 responded that developing one trade secret costs 01:25:45  
24 \$1.1 billion. 01:25:48

25 A Right. 01:25:49

1 Q That's not a hypothetical. That's Waymo's 01:25:50  
2 response. 01:25:52  
3 A Sure. 01:25:52  
4 Q And you're Waymo's corporate 01:25:53  
5 representative to give that testimony. 01:25:54  
6 A Right. 01:25:56  
7 Q My question is: Is the cost the same for 01:25:58  
8 all three trade secrets -- if -- if I -- is the cost 01:26:01  
9 of developing Trade Secret 2 the same as the cost of 01:26:08  
10 developing Trade Secrets 2, 25, and 90? 01:26:11  
11 MR. MACK: Objection, form; beyond the 01:26:14  
12 scope. 01:26:15  
13 A Again, to the extent they're identified as 01:26:16  
14 the same number, then this is -- like, between the 01:26:19  
15 responses for the individual trade secrets, the same 01:26:23  
16 number is identified. Like, that's in -- in the 01:26:26  
17 answer. So I -- 01:26:28  
18 Q (BY MS. CHANG) I understand. 01:26:29  
19 A -- don't know what else you're asking me 01:26:30  
20 add to that. 01:26:33  
21 Q So for each -- you have -- you have 01:26:34  
22 identified a cost for each one -- for each trade 01:26:34  
23 secret; is that correct? 01:26:37  
24 A Right. They're -- in -- in the Responses 01:26:39  
25 to Interrogatories, there's a cost identified for 01:26:40

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1 MR. MACK: Objection, form; beyond the 02:29:34  
2 scope. 02:29:34  
3 A Again -- so you're saying if it finishes 02:29:46  
4 in a period, like, in the -- in the -- in the 02:29:50  
5 between period, are there expenses that are backed 02:29:52  
6 out? 02:29:56  
7 Q (BY MS. CHANG) My question is: If 02:29:58  
8 development actually ends in the middle of a 02:30:01  
9 month -- 02:30:04  
10 A Okay. 02:30:05  
11 Q -- by including the cost through the end 02:30:06  
12 of the month, are you overstating that development 02:30:09  
13 cost? 02:30:13  
14 MR. MACK: Same objections. 02:30:14  
15 A I mean, hypothetical -- hypothetically, I -- 02:30:15  
16 like, I think it's -- it's -- it's a potential -- 02:30:20  
17 there's a potential that if something is done 02:30:25  
18 earlier, then it's not done later. I guess that's 02:30:28  
19 what I'm understanding you saying. 02:30:31  
20 Q (BY MS. CHANG) Let's say the development 02:30:33  
21 cost -- 02:30:35  
22 A Right. 02:30:35  
23 Q -- for December 2013 -- the month of 02:30:35  
24 December 2013 is a hundred thousand dollars. 02:30:38  
25 A Okay. 02:30:43



1 Q Let's say development actually ends 02:30:44  
2 somewhere in the month -- 02:30:47  
3 A Okay. 02:30:49  
4 Q -- somewhere in the middle of the month. 02:30:50  
5 A All right. 02:30:53  
6 Q Would claiming a \$100,000 development cost 02:30:54  
7 for December 2013 overstate the actual cost? 02:30:59  
8 MR. MACK: Objection, form; beyond the 02:31:06  
9 scope. 02:31:06  
10 A Again, it -- you would have to make a 02:31:07  
11 whole series of other assumptions that, in fact, the 02:31:09  
12 work -- the work and the dollars that are flowing 02:31:11  
13 through in that later period are not attributable to 02:31:15  
14 work that has already been completed that -- to 02:31:18  
15 enable -- to enable -- in order -- in order to be 02:31:19  
16 able to, like, differentiate, right. 02:31:21  
17 Something about, you know, the way the 02:31:21  
18 books are closed is they represent liabilities that 02:31:24  
19 are indiscernibly captured in -- within a period. 02:31:26  
20 So if you somehow sliced in a bright line 02:31:31  
21 that everything is done, et cetera, and every single 02:31:36  
22 person invoiced exactly on time as soon as it was 02:31:39  
23 done, all of those things, then that's a 02:31:42  
24 possibility, assuming there's a whole other set of 02:31:44  
25 things potentially that have to go right to be able 02:31:47

1 to do that. 02:31:50

2 There is a possibility. I think the 02:31:51

3 circumstances would have to be very clear in that 02:31:53

4 situation. 02:31:57

5 Q (BY MS. CHANG) Do you know when 02:31:57

6 development of Trade Secret 7 was actually 02:32:00

7 completed? Trade Secret 7 claims a development cost 02:32:06

8 of \$120 million. 02:32:11

9 MR. MACK: Objection, form; beyond the 02:32:14

10 scope. 02:32:14

11 A I -- I don't have the technical expertise 02:32:15

12 to -- to say when development of that trade secret 02:32:18

13 was completed, no. 02:32:21

14 Q (BY MS. CHANG) Trade Secret 9 also claims 02:32:24

15 a development cost of \$120 million. Do you know 02:32:26

16 when development of Trade Secret 9 was actually 02:32:29

17 completed? 02:32:34

18 MR. MACK: Same objections. 02:32:36

19 A So same -- same answer as the preceding 02:32:37

20 one. 02:32:40

21 Q (BY MS. CHANG) Trade Secret 13 claims a 02:32:40

22 development cost of \$120 million. Do you know when 02:32:43

23 development of Trade Secret 13 was actually 02:32:48

24 completed? 02:32:51

25 MR. MACK: Same objections. 02:32:51

1           A     The same answer. And -- and to just kind           02:32:52  
2     of clarify generally, I don't know the precise           02:32:55  
3     period in which a given -- I don't have the           02:32:58  
4     technical expertise to say when a precise           02:33:00  
5     development of any trade secret was completed.           02:33:02  
6                 I -- I do understand that based off of           02:33:06  
7     the -- the expertise, that the calculation           02:33:08  
8     represents periods that have ended in the various           02:33:11  
9     respective endpoints, which we have discussed in the           02:33:15  
10    preceding questions.           02:33:17  
11           Q     (BY MS. CHANG) Is your testimony the same           02:33:20  
12    for all the trade secrets that you do not know when           02:33:22  
13    actual development for any of the nine trade secrets           02:33:26  
14    at issue was actually completed?           02:33:29  
15                 MR. MACK: Objection, form; beyond the           02:33:34  
16    scope.           02:33:34  
17           A     Correct. I do not have the technical           02:33:36  
18    expertise to know when the -- the formula -- the           02:33:38  
19    formulation, I think was the word you used, of           02:33:40  
20    the -- the trade secrets was completed for any of           02:33:43  
21    them.           02:33:46  
22                 What I do understand and know is that the           02:33:47  
23    numbers in the responses to the interrogatories           02:33:49  
24    represent the various time periods which we have           02:33:53  
25    just discussed and that the numbers that I have           02:33:55

1 pointed out in -- in the data that we have provided 02:33:58  
2 in Exhibit -- Exhibit 1400. 02:34:01  
3 Q (BY MS. CHANG) To clarify, I asked about 02:34:03  
4 when development of each of the trade secrets was 02:34:05  
5 completed. 02:34:09  
6 A Right. And -- and what I'm saying is to 02:34:10  
7 the extent that I understand what informed the 02:34:12  
8 number, that would be how I would understand that to 02:34:14  
9 be true -- an ending would have occurred. Like, it 02:34:18  
10 would have been complete -- formulation would be 02:34:22  
11 complete. 02:34:26  
12 Q Your understanding of when each of the 02:34:28  
13 trade secrets completed development coincides with 02:34:30  
14 the end period used to form the basis of the 02:34:36  
15 calculation for the development cost? 02:34:44  
16 MR. MACK: Objection, form; beyond the 02:34:48  
17 scope. 02:34:48  
18 A That would be my nontechnical 02:34:49  
19 understanding. 02:34:52  
20 Q (BY MS. CHANG) As an example, Trade 02:34:52  
21 Secret 2 claims a development cost of \$1.1 billion, 02:34:54  
22 which you testified was based on the entire program 02:35:01  
23 spend for Waymo's self-driving system from inception 02:35:06  
24 to 2015. 02:35:10  
25 Based on that calculation, your 02:35:13

1 understanding is that Trade Secret 2 completed its 02:35:20  
2 development in December 2015; is that right? 02:35:23  
3 MR. MACK: Objection, form; beyond the 02:35:27  
4 scope. 02:35:27  
5 A That would be my nontechnical 02:35:29  
6 understanding. 02:35:32  
7 Q (BY MS. CHANG) I'm handing you what was 02:35:38  
8 previously marked as Exhibit 1079. Exhibit 1079 is 02:35:40  
9 Exhibit 1 to the Declaration of Jordan Jaffe in 02:36:11  
10 support of Waymo's Motion for Preliminary 02:36:19  
11 Injunction. I can represent that to you. 02:36:21  
12 If you turn to the second page, this 02:36:26  
13 document is identified as "Plaintiff's List of 02:36:31  
14 Asserted Trade Secrets Pursuant to California Code 02:36:34  
15 Civil Procedure Section 2019.210. 02:36:39  
16 Do you recognize this document? 02:36:43  
17 A No. 02:36:48  
18 Q You have never seen this document before? 02:36:48  
19 A No. 02:36:50  
20 Q If you turn to page 2 of Exhibit 1079, it 02:37:25  
21 reads, 02:37:34

02:37:40

02:37:43

02:37:47

02:37:50



02:37:53

02:37:58

02:38:00

02:38:05

02:38:07

02:38:10

02:38:13

02:38:16

02:38:18

10 See supra paragraph 1, second bullet, for  
11 reasonable steps -- steps taken to maintain secrecy.

02:38:22

02:38:26

12 The last bullet point is the scope of

02:38:30

13 Trade Secret 2, and that reads, The trade secret

02:38:37

14 claim is 

02:38:41



02:38:47

02:38:51

02:38:55

02:38:59

19 Is this the first time that you're seeing  
20 a description of Trade Secret 2?

02:39:07

02:39:10

21 A Yes.

02:39:12

22 Q Do you know if Waymo's self-driving car

02:39:18

23 system has components other than 

02:39:22



02:39:28

02:39:34

[REDACTED] 02:39:36

[REDACTED] 02:39:40

[REDACTED] 02:39:43

4 MR. MACK: Objection, form; beyond the 02:39:45

5 scope. 02:39:45

6 A Is -- if I could kind of try to synthesize 02:39:52

7 your question a bit. Like, essentially is -- is 02:39:56

8 there more to the self-driving system than a LiDAR? 02:39:58

9 Q (BY MS. CHANG) Yes. And specifically the 02:40:03

10 LiDAR described in the last bullet point of 02:40:04

11 paragraph -- paragraph 2. 02:40:07

12 MR. MACK: Same objections. 02:40:10

13 A Again, I'm not technically trained or -- 02:40:10

14 and I'm -- my general layman's understanding is that 02:40:14

15 there is more to our self-driving system than a 02:40:18

16 LiDAR, yes. 02:40:21

17 Q (BY MS. CHANG) If you turn to page 5, 02:40:23

18 Trade Secret 7 is listed on page 5. 02:40:40

[REDACTED] 02:40:50

[REDACTED] 02:40:54

[REDACTED] 02:40:59

[REDACTED] 02:41:03

[REDACTED] 02:41:07

[REDACTED] 02:41:11

[REDACTED] 02:41:14